

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ADEL ABDULAL, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

CASE NO. C04-0370RSM

ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
MOTIONS IN LIMINE

This matter comes before the Court on plaintiffs' Motions In Limine. (Dkt. #51). Plaintiffs, Adel Abdulal and his wife Maria Lazhar, move this Court to limit or exclude 12 areas of evidence. Defendants Jaimye Cordrey, Jane Doe Cordrey, Mastan Maniani and Bronco Transportation Systems, Inc., filed responses to the motions in limine. (Dkts. #59 and #61). Defendant United States of America has filed a joinder in those responses, and requests that the Court deem those responses to be its own. (Dkt. #62). Accordingly, although the Court recognizes that defendants Jaimye Cordrey, Jane Doe Cordrey, Mastan Maniani and Bronco Transportation Systems, Inc. have since settled with the plaintiffs and will not be involved in any trial of this case, the Court will consider their responses to be those of the remaining defendant United States.

Having reviewed the motions, the responses to those motions, and the remainder of the

1 record, the Court hereby ORDERS:

2 (1) Plaintiffs' Motions In Limine Numbers 3, 4, 5, 6, 7, 10 and 12 (Dkt. #51 at 2-6) are  
3 GRANTED. Defendants have stated either that they have no objection to these motions, or that  
4 they take no position on these motions. Accordingly, the evidence at issue in those motions  
5 shall be excluded or limited as requested by plaintiffs.

6 (2) Plaintiffs' Motion In Limine Number 1 (Dkt. #51 at 2) is DENIED. Plaintiffs have  
7 requested that this Court strike the testimony of defendants' expert Dr. James F. Green, on the  
8 basis that his identity and opinions were not timely disclosed. Plaintiffs' sole argument for this  
9 request is "[i]f this Court strikes the testimony of Dr. Brzusek, then Dr. Green's testimony  
10 should be stricken for the same reason." (Dkt. #51 at 2). The motion to strike the testimony of  
11 Dr. Brzusek is no longer before this Court. (*See* Dkt. #65). Moreover, plaintiff has provided no  
12 indication that he suffered any harm from receiving Dr. Green's expert report on July 22, 2005,  
13 as noted by defendants. (*See* Dkts. #59 at 2 and #61 at 1-3). Accordingly, the Court finds that  
14 plaintiff has provided no reason for this Court to strike the testimony of Dr. Green.

15 (3) Plaintiffs' Motion In Limine Number 2 (Dkt. #51 at 2) is DENIED. This motion fails  
16 to specify the testimony of a particular witness that plaintiffs seek to exclude. Instead, plaintiffs  
17 have moved to "bar the testimony of any witnesses not previously disclosed on the list of  
18 witnesses . . ." (Dkt. #51 at 2). Motions In Limine must be specific enough for the Court to  
19 determine the admissibility of certain evidence at trial. Broad objections are not sufficient.  
20 Accordingly, this Court denies plaintiffs' motion to exclude all witnesses not timely disclosed.  
21 However, nothing in this Order bars plaintiffs from making any specific objections on the record  
22 should that be appropriate during trial.

23 (4) Plaintiffs' Motion In Limine Number 8 (Dkt. #51 at 4) is DENIED. Plaintiffs have  
24 moved "to bar any evidence or reference to any prior motor vehicle accidents on the part of  
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1 plaintiff as it [sic] irrelevant.” (Dkt. #51 at 4). Plaintiffs provide no legal argument in support of  
2 their motion. Defendants note that plaintiff Abdulal was involved in a motor vehicle accident  
3 prior to the three accidents at issue in this case, and he sustained injuries in that accident. Under  
4 Washington State law, evidence of a prior injury is admissible. *See Young v. Group Health*  
5 *Cooperative of Puget Sound*, 85 Wn.2d 332, 340 (1975); *Vanderhoff v. Fitzgerald*, 72 Wn.2d  
6 103, 107-08 (1967); *see also* Wash. Pattern Jury Instr. 15.01.01 (including the statement that  
7 there may be more than one proximate cause of an injury). Accordingly, the Court denies  
8 plaintiffs’ request. However, nothing in this Order bars plaintiffs from making any specific  
9 objections on the record should that be appropriate during trial.

10 (5) Plaintiffs’ Motion In Limine Number 9 (Dkt. #51 at 5) is DENIED. Plaintiffs have  
11 moved “to bar any evidence or reference to plaintiff’s prior physical health unless (a) such  
12 condition was symptomatic at the time of injury, or was (b) a latent preexisting condition that  
13 was made active by the injury.” (Dkt. #51 at 5). Again, plaintiffs provide no legal argument in  
14 support of their motion. Defendants argue that they are entitled to an instruction both that  
15 plaintiff Abdulal suffered from a preexisting physical and psychological condition, and that his  
16 subsequent injuries were not proximately caused by the accidents in question. (Dkt. #59 at 5).  
17 Defendants further argue that it is relevant for the jury to know that plaintiff had similar  
18 problems prior to the accidents in question in this case. (Dkt. #61 at 4-5). Plaintiffs have failed  
19 to demonstrate to the Court that evidence of prior physical and psychological health is not  
20 relevant in this case. Accordingly, the Court denies plaintiffs’ request. However, nothing in this  
21 Order bars plaintiffs from making any specific objections on the record should that be  
22 appropriate during trial.

23 (6) Plaintiffs’ Motion In Limine Number 11 (Dkt. #51 at 5) is STRICKEN AS MOOT.  
24 That motion applies specifically to the accident involving defendants Maniani and Bronco  
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1 Transportation Systems, who have since settled with plaintiffs. Defendants Jaimye and Jane Doe  
2 Cordrey took no position on the motion, and the Court can only assume that defendant United  
3 States, by way of joinder in the response, would do the same. Accordingly, the Court finds no  
4 reason to further consider this motion in limine.

5 (7) The Clerk is directed to send a copy of this Order to all counsel of record.

6 DATED this 22 day of November, 2005.

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9 RICARDO S. MARTINEZ  
10 UNITED STATES DISTRICT JUDGE  
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